

RULEMAKING NOTICE FORM

Notice Number 2015-116 Rule Number He-P 4070.05(e), Table 4070.1-A

1. Agency Name & Address:

**NH Dept. of Health and Human Services
Division of Public Health Services
Radiological Health Section (RHS)
29 Hazen Drive
Concord, NH 03301**

2. RSA Authority:

RSA 125-F:7, F:8, I

3. Federal Authority:

4. Type of Action:

Adoption

Amendment

x

Repeal

Readoption

Readoption w/amendment

5. Short Title: **Annual Fees for Reciprocity in He-P 4070.05(e), Table 4070.1-A as Required by He-P 4030.18**

6. (a) Summary of what the rule says and of any proposed amendments:

The proposed rule amends He-P 4070.05(e), Table 4070.1-A, "Annual Fees for Radioactive Material Licenses and Services" by inserting a category for "reciprocity." The requirements for reciprocal recognition of specific licenses as defined in He-P 4003.01(i) and (ci) are described in He-P 4030.18. The fee for the category of reciprocal recognition of specific licenses is being added in He-P 4070.05(e), Table 4070.1-A, where it was inadvertently deleted during the 2015 rulemaking to readopt He-P 4070. There has been no change in the fee category.

6. (b) Brief description of the groups affected:

The rule is carried out in accordance with RSA 125-F:8 and RSA 125-F:8-b, which authorize and direct the establishment of fees by rule for radiation protection services. There is a cost to specific license holders seeking reciprocal licenses which is equal to the license fee for the applicable category listed in He-P 4070.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| <u>Rule Number</u> | <u>RSA Implemented</u> |
|--|--------------------------------|
| He-P 4070.05(e), Table 4070.1-A | RSA 125-F:5, F:8, F:8-b |

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Catherine Bernhard**

Title: **Rules Coordinator**

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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, August 6, 2015.**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, July 30, 2015 at 1:00 p.m.**

Place: **DHHS Brown Bldg., Room 288, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **15:123**, dated **07/02/15**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to existing rules, the proposed rule will increase cost to license holders seeking reciprocal licenses and increase restricted revenue to the State's Radiation User and Laboratory Fees Fund. The additional amounts will be equal to the annual license fee for the fee category listed in He-P 4040.

2. Cite the Federal mandate. Identify the impact of state funds:

New Hampshire is an "agreement state" with the U.S. Nuclear Regulatory Commission (NRC) pursuant to section 274b of the Atomic Energy Act of 1954, as amended. The State is required to have a regulatory program in place that is adequate and compatible with the federal regulations of the NRC governing radiological health and the use of radiation. The requirement does not impact state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

There will be an increase in revenue to the Radiation User and Laboratory Fees Fund established in RSA 125-F:8-b. There will be no cost or benefit to the State general fund.

B. To State citizens and political subdivisions:

None.

C. To Independently owned businesses:

Independently owned businesses seeking a license for reciprocity will pay an additional fee equal to the amount for the applicable category of license.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility by adding the category of "reciprocity" to license fees. clarifying and specifying registrant and licensee fees, and by establishing a new fee category. The rule does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Amend He-P 4070.05(e), Table 4070.1-A “Annual Fees for Radioactive Material Licenses and Services,” effective 6/25/15 (Document # 10865), by inserting the category of “Reciprocity” above the category of “Radiological Response and Radiation Safety Assessments” as follows:

Table 4070.1-A Annual Fees for Radioactive Material Licenses and Services

| <u>License or Service Category</u> | <u>Annual Fee</u> |
|---|---|
| <u>Reciprocity</u> <u>(Licenses authorizing possession and use of radioactive material in the</u> <u>state of New Hampshire by certain U.S. Nuclear Regulatory Commission,</u> <u>Agreement State and Licensing State radioactive material licenses who</u> <u>conduct such activities under reciprocity provisions specified in He-P 4030.18</u> <u>of this chapter.)</u> | <u>Annual fee for</u> <u>applicable category</u> |

APPENDIX

| RULE | RSA OR FEDERAL STATUTE |
|---------------------------------|-------------------------------|
| He-P 4070.05(e), Table 4070.1-A | RSA 125-F:5, F:8, F: 22, IV |